



MEETING DATE: 1/8/15
ITEM NO: 3

POLICY COMMITTEE REPORT

DATE: JANUARY 8, 2015
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: REVISED DRAFT POLICY INVENTORY MATRIX, POTENTIAL ACTION ON SOME POLICIES, AND PROJECT STATUS UPDATE

RECOMMENDATIONS:

1. Approve validation of the Council Policies listed in Attachment 1 in Category 2: Validate and forward to Council for final action.
2. Approve rescission of the Council Policies listed in Attachment 1 in Category 3: Rescind and begin the work needed to combine with other existing policies as noted in Attachment 1.
3. Discuss priorities associated with the Council Policies listed in Attachment 1 in Category 1: Revise.

BACKGROUND:

Based on discussions during the Town Manager's annual performance evaluation, a new Strategic Goal was proposed for 2015-16 directing staff to conduct a comprehensive review of Town policies, procedures, and resolutions. Staff began work in November 2014 and presented initial findings and recommendations to the Policy Committee in December 2014. This work included a preliminary inventory of all Council Policies, a recommended work plan to complete this project, and background and legal research.

To date, the Policy Committee has held three meetings to discuss revisions to the Council Code of Conduct and Council Agenda Format and Rules Policies. At the December 15, 2014 Policy Committee meeting, the Committee approved staff's proposed work plan, as detailed in the staff report to the Policy Committee dated December 2, 2014.

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by:  Assistant Town Manager  Town Attorney _____ Finance

DISCUSSION:

In November 2014, staff began to identify and compile existing Town Council Policies established by Town Council resolution or action pertaining to finance, Council operations, land use planning, and other Town matters. Using the categories below, staff classified each policy and made recommendations to the Policy Committee. At the December 15, 2014 Policy Committee meeting, the Committee offered a fourth category that automatically rescinds policies not identified or uncovered during the course of this project. Rather than creating another category, staff recommends revising Category 3 as noted below.

Category 1: Revise – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, possible stakeholder outreach and/or creation of a new policy.

Category 2: Validate – This category includes policies that have recently been updated, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain.

Category 3: Rescind – This category includes a set of policies that staff has identified as being outdated, obsolete, redundant, or superseded by other Council action or policy. *This category also includes any Council Policy uncovered after the completion of the Comprehensive Council Policy Review Project.* These policies can be quickly scheduled for Council approval to rescind and delete.

Project Status Update

Council Policies

In December 2014, staff provided the Policy Committee with a preliminary list of all Town Council policies. Since then, on-going staff research has uncovered additional policies. Attachment 1 is a revised list of the Council policies identified to date. This list should not be considered the final list of Council policies, but a work-in-progress. Copies of uncovered individual policies are included in Attachment 2.

The Council policies have been placed in one of five different categories according to their purpose: Council Operation; Engineering, Contracting, and Construction; Finance and Accounting; Land Use; and General. Within each category, staff has subdivided the policies according to staff recommendations (Revise, Validate, or Rescind). Staff submits these recommendations to the Policy Committee for its consideration and approval. Some Council policies do not have recommendations at this time as they are under staff review. Staff recommendations for these policies will be provided to the Policy Committee as soon as they are available.

Council policies approved by the Policy Committee for validation will be forwarded to the full Town Council for its final approval. Upon Council approval, staff will transfer the validated policies unto the

new Council Policy template and repost them on the Town's website. These actions would establish a Council Policy Manual. Staff is also seeking the Committee's direction on priorities for revising and rescinding/combining other policies as noted in Attachment 1. With the Committee's guidance, these policy revisions and combinations would return to the Committee for its approval.

Council Resolutions

The second phase of this project involves staff review of Council-adopted resolutions for the purpose of identifying resolutions with embedded policies, guidelines, and procedures; as well as review of Land Use policies, procedures, and guidelines.

One of the challenges with this phase of the project is the lack of a central location for all of the Town resolutions. Historically, resolutions were kept in hard copies. Just recently, the Town purchased software licensing from Laserfiche, an online document storage and management company, to help store and manage Town documents, including resolutions, ordinances and other documents. Great time and effort has been dedicated to scanning and uploading over 2,000 resolutions, but more work is still needed to scan and upload all of the Town resolutions. Currently, all resolutions for the following years are available on Laserfiche: 1999, 2002, 2005, and 2007 through 2014. Some resolutions are also available for 1973, 1975, 1977, 1978, 1979, 1982, 1985, 1987 through 1996, 2000, 2001, 2003, 2004, and 2006.

In preparation for this report and the January 15, 2015 Policy Committee meeting, staff spent over 60 hours reviewing Land Use documents and almost 2,000 Council resolutions. Staff primarily focused on reviewing the complete sets of resolutions for 1999, 2002, 2005, and 2007 through 2014, and the incomplete sets for 2000, 2001, 2003, 2004, and 2006 to identify any additional policies, guidelines and procedures beyond what staff has already submitted to the Policy Committee. Attachment 1 provides an updated list of uncovered policies.

More time will be needed to complete review of the remaining resolutions, however, given the extensive work already done and the limited staff resources, staff recommends that an employee survey be conducted asking staff to provide copies of resolutions, guidelines, and procedures so far not uncovered or that date before 1999 and are currently in effect. Through this targeted approach, staff will be able to uncover any missing documents that are current and applicable to Town operations without having to invest time and resources reviewing obsolete documents. Staff is comfortable assuming that the review of almost 2,000 resolutions has yielded the majority of the current policies. Staff is also comfortable assuming that with the review of 15 years' worth of resolutions, anything before 1999 most likely has been superseded or rescinded by Council action. As a precaution, the employee survey will confirm these assumptions.

Other Land Use Policies, Guidelines, and Procedures

Staff is also preparing an inventory of other policies, guidelines, plans, and procedures that are used in the review of land use and development applications. This inventory is expected to be provided to the Policy Committee at its next meeting. The Committee may wish to consider a similar process of revision, validation, and rescission for these items.

Laserfiche

The Town Manager's Office understands the value of having Town documents accessible in a centralized location, and acknowledges that work to finish populating Laserfiche with the remaining resolutions needs to resume. However, given staff resources and competing priorities, the Town Manager's Office needs to evaluate best approach for completing this project as well as all associated costs.

The Town Manager's Office will be also be researching the feasibility and cost for making resolutions available to the public in a web-based format. This is a tangible first step that could be expanded to other Town documents, pending available financial resources. A status update and staff recommendations will be provided to the Policy Committee.

CONCLUSION:

Staff will continue to provide the Policy Committee with status updates as they become available.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

No financial impact associated with this recommendation.

Attachments:

- 1: Revised Inventory of Town Council Policies
- 2: Uncovered Individual Council Policies

Inventory of Town Council Policies

Work in Progress as of 1/8/2015

POLICY TITLE		BRIEF DESCRIPTION	EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS	STAFF RECOMMENDATION			
1. COUNCIL OPERATION									
						Rescind	Validate	Revise	
1-1	Town Council Agenda Format and Rules	To establish procedures which standardize the Town Council agenda and insure an orderly meeting.	12/15/1986	8/5/2013	1986-183; 1987-124; 1993-181; 1994-57; 1996-108; 2001-77; 2004-33; 2009-002			X	This Council Policy has been revised by the Policy Committee, and will be presented to Council for approval in early 2015.
1-2	Standard Town Council Report Format	To facilitate Town Council decision making.	2/10/1992	12/14/2000				X	Revise to align with current Town practices and procedures.
1-3	Policy Statement Concerning Commendations and Proclamations	To clarify the process for issuing proclamations and commendations.	1/19/1993					X	Staff recommends revisions to this Policy.
1-4	Town Council Code of Conduct Policy	To establish guiding principles for appropriate conduct and behavior and sets forth the expectations of Council members.	5/3/2004	12/17/2012	2004-59; 2006-111			X	This Council Policy has been revised by the Policy Committee, and will be presented to Council for approval in early 2015.
1-5	Council Policy about Planning Commission Policies and Procedures	This Policy sets forth the Planning Commission policies and procedures.	6/29/1983	12/6/2010	2001-042; 2010-106			X	This Council Policy was revised in December 2014 and it is scheduled to go to the Planning Commission for review and Town Council for final approval.
1-6	Public Access to Council Decision Making	To establish procedures which insure that the public has access to Council decision making.	5/18/1992			X			Rescind and combine with the Town Council Agenda Format and Rules Policy.
1-7	Appointments and Memberships	To set out the process for: (1) Appointing citizens to boards, commissions and committees; (2) Appointing Council members to various boards, commission and committees; (3) Council membership on non-profit boards of directors.	6/15/1992			X			Rescind and combine with the Commission Appointment Policy, which includes detailed process and guidelines for the recruitment and appointment of citizens to Boards, Commissions and Committees.
1-8	Americans with Disabilities Notice on Town Agendas	To provide access to public meetings of the Town.	8/2/1994			X			At the December 15, 2014 Policy Committee meeting, the Committee recommended to rescind policies that are already covered under state and/or federal laws.
1-9	Access and Retention to Video Recorded Media of Council Meetings	To establish the process by which the public and staff may obtain video recorded media and maintain copies of Council, Board, Commission and/or	4/7/2003			X			Rescind and combine with the Records Retention Policy as a Town Administrative Policy, and update the Policy to align with the Town's use of new technology and current process.
1-10	Solicitation and Donation Policy	To effect Town donations and solicitations in a manner that complies with both the letter and spirit of CA ethics laws and , within that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.	4/21/2008			X			At the December 15, 2014 Policy Committee meeting, the Committee recommended to rescind policies that are already covered under state and/or federal laws.
1-11	Commission Appointments	To establish policy to encourage participation by Town residents on Town Boards, Commissions and Committees.	2/28/1990	6/16/2014			X		This Council Policy was recently revised and reflects current practice and Council direction.
1-12	Naming Town-Owned Facilities	To establish a policy for naming Town-owned facilities.	10/21/1996		1996-133		X		This Council Policy reflects current practice and Council direction.
1-13	Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings	To establish requirements for audio/visual presentations and the display of signs and other symbolic material by the public at Town Council and Planning Commission meetings.	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014.
1-14	Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets	To provide guidelines for Town Council, Planning Commission members and employees on the use of electronic tablets during meetings subject to the Brown Act and at such	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014.
1-15	Code of Conduct for the Collection Franchise Procurement Process	This Policy sets forth the Code of Conduct for the Collection Franchise Procurement process, and member responsibilities.	10/3/2005		2005-104				

Inventory of Town Council Policies
Work in Progress as of 1/8/2015

2. ENGINEERING, CONTRACTING & CONSTRUCTION		BRIEF DESCRIPTION		EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS		STAFF RECOMMENDATION	
2-1	Neighborhood Traffic Calming Policy	To establish guidelines for the neighborhoods and Town staff to work together in addressing various types of traffic conditions, such as speeding, cut-through traffic, truck intrusion and commercial parking spill-over, which would improve the quality of life for the neighborhoods.	3/18/2002		8/19/2014	1991-174; 2014-59	Rescind	Validate	This Council Policy reflects current practice and Council direction.
2-2	Traffic Impact Policy	This Policy helps identify when to levy traffic impact fees.			8/19/2014	1991-174; 2014-59	Rescind	Validate	This Council Policy was recently revised and reflects current practice and Council direction.
3. FINANCE & ACCOUNTING									
3-1	Town Purchasing Policy and Procedure Manual	To guide purchasing practices and provide an overview of purchasing objectives, policies and functions.	8/4/2008				Rescind	Validate	Staff is currently working on revising this Policy and estimates to have a revised policy for Council review and approval within a year.
3-2	Town Council and Board Member Expense Reimbursement Policy	This policy applies to the Mayor and members of the Town Council, boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business.	1/6/2011				Rescind	Validate	Staff recommends that this Policy be revised and combined with the Travel and Expense Policy in the Administrative Manual Policy.
3-3	Identity Theft Prevention	To establish an identity theft prevention program to protect the personal and financial information of residents and businesses which have new or existing accounts with the Town as required by the Federal Fair and Accurate Credit Transactions (FACT) Act	12/21/2009				Rescind	Validate	This Council Policy reflects current practice and Council direction.
3-4	General Fund Reserve Policy	To establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; (3) Demonstrate continued prudent fiscal management and creditworthiness.	5/16/2011				Rescind	Validate	This Council Policy reflects current practice and Council direction.
3-5	GASB 54 Fund Balance Policy	To outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.	6/4/2012				Rescind	Validate	This Council Policy reflects current practice and Council direction.
4. LAND USE									
4-1	Cellars	To be used by staff when reviewing plans that include a cellar.	10/21/2002			2002-167	Rescind	Validate	Revise to meet new Building Code changes.
4-2	Minor Alterations to Commercial Buildings	To define "minor" exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.	4/18/2005			2005-038	Rescind	Validate	Revise to clarify and correct Municipal Code inconsistencies.
4-3	Community Benefit Policy	To provide the Town a means to support projects that are beneficial and desirable to the community but may have certain negative impacts.	11/4/2002			2002-175	Rescind	Validate	This Policy is currently under Council review. Council has had discussions about rescinding this Policy. On October 21, 2013, the Town Council discussed this Policy and directed staff to conduct further work.
4-4	Attics	Policy shall be used when reviewing development plans that include attic space. The intent of this policy is to reduce the visible bulk and mass of structures.	10/21/2002			2002-167	Rescind	Validate	The definition for "attic" is included in the Municipal Code. This Policy is redundant.
4-5	Landscaping Policies	To provide Town staff, Town Council, Planning Commission and applicants for Town permits with a clear and concise statement of the Town of Los Gatos policies regarding landscaping.	12/21/1987			1987-20	Rescind	Validate	This Policy is outdated and no longer needed. Landscaping guidelines are captured in other Town documents.
4-6	Height Pole and Netting Policy	To provide Town residents, staff, advisory and decision-making bodies with a visual tool to evaluate proposed construction.	8/5/2013			2013-32	Rescind	Validate	This Council Policy reflects current practice and Council direction.
4-7	Policy regulating the consumption and service of alcoholic beverages	This provisions in this Policy are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of the Towns' commercial centers in which restaurants have an essential role.	2/22/1994			1994-29; 2001-106	Rescind	Validate	This Council Policy is currently under revision.

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 Work in Progress as of 1/8/2015

4-8	Subordination Policy for the Below Market Price Housing Program BMP	In order to facilitate the on -going purchase of Below Market Price (BMP) for -sale units by eligible Lower and Moderate Income households and to allow for the preservation of the BMP units in Town's affordable housing stock for the longest feasible time, the Town Council of the Town of Los Gatos establishes this Subordination Policy for the BMP Housing Program		1/22/2013	2013-001		X		This Council Policy was recently revised and reflects current practice and Council direction.
4-9	Guidelines for Modification Use	This Policy establishes the criteria that will be used to evaluate a modification of use pursuant to Zoning Ordinance Section 29.20.200.		4/18/2005	2005-037				
4-10	Policy on Minor Alterations to Commercial Buildings	The purpose of this Council Policy is to define "minor exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.		4/18/2005	2005-38				
4-11	In-Fill Development Policy	This Council Policy sets forth guidelines to ensure that in-fill parcels are development compatible with surrounding neighborhoods (e.g., improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life).		5/3/1993	1993-62				
4-12	Environmental Review Procedures	This Policy adopts the provisions of the State EIR Guidelines at the Town of Los Gatos procedures for the evaluation of projects and the preparation of environmental impact reports.		10/24/1983	1973-38; 1973-70; 1973-164; 1975-90; 1976-161; 1983-218				
5. GENERAL									
5-1	Public Art Selection Policy and Procedure	The purpose of this Policy is to provide a process through which the Town of Los Gatos can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission for purchasing existing art work and for commissioning artists to create new art work for the Town.		9/21/2009	1992-78; 2009-103				

RESOLUTION 2010-106

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING PLANNING COMMISSION
POLICIES AND PROCEDURES AND RESCINDING
RESOLUTION 2001-42**

WHEREAS:

A. The Town Council has determined that it is in the best interest of the Town to change the month of appointing a Chair and Vice Chair of the Commission from the second regular meeting in February to any meeting in January. The appointment schedule is noted in Section 9.7 of the Town of Los Gatos Planning Commission Policies and Procedures.

B. The Town Council has determined that the Committees represented by the Planning Commission shall be updated to reflect the current status of these Committees. The Planning Commission committees are noted in Sections 14.1 and 14.2 of the Town of Los Gatos Planning Commission Policies and Procedures.

C. The Town of Los Gatos Planning Commission Policies and Procedures were last amended on April 16, 2001, by Resolution No. 2001-42.

RESOLVED:

1. That Resolution No 2001-42 is hereby rescinded.

2. That Section 9.7 of the Town of Los Gatos Planning Commission Policies and Procedures is hereby amended to read as follows:

9.7 The Commission elects its Chair and Vice-Chair annually at a meeting in January. The Planning Director is the permanent secretary of the Commission as specified in the Town Code.

3. That Sections 14.1 and 14.2 of the Town of Los Gatos Planning Commission Policies and Procedures is hereby amended to read as follows:

14.1 Commission Committees:
Architectural Standards/Hillsides Committee - Inactive
Noise Committee - Inactive
Policies and Procedures Committee - Inactive

14.2 Council created Committees:
General Plan Committee - 3 members
Historic Preservation Committee - 2 members
Conceptual Development Advisory Committee - 3 members

Committee members are appointed by the Chair at the next Commission meeting following the election. Committee terms are for one year.

4. All other sections remain unchanged.

5. The revised Town of Los Gatos Planning Commission Policies and Procedures are attached hereto and by this reference incorporated herein as Exhibit "A."

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 6th day of December, 2010, by the following vote:

COUNCIL MEMBERS:

AYES: Steven Leonardis, Diane McNutt, Steve Rice, Barbara Spector, Mayor Joe Pirzysnki

NAYS:

ABSENT:

ABSTAIN

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

TOWN OF LOS GATOS
PLANNING COMMISSION POLICIES AND PROCEDURES
Adopted June 29, 1983
Revised 5/8/85; 11/18/87; 9/22/93, 11/16/98; 4/16/01; 12/6/10

1.0 Planning Commission Meeting:

1.1 Planning Commission meetings start promptly at 7:00 p.m. with a ten (10) minute break at approximately 9:00 p.m., and adjourn at 11:00 p.m., unless there is a motion to continue past 11:00 p.m. The agenda is frequently heavy and not all items can be heard within this time frame.

1.2 Agenda Format:

- a. Roll Call
- b. Approval of Minutes
- c. Written Communications
- d. Verbal Communications (Audience)
- e. Requested Continuances
- f. Report from Planning Director
- g. Consent Calendar
- h. Continued Public Hearings
- i. New Public Hearings
- j. Continued Other Business
- k. New Other Business

1.3 The format for each agenda item is:

- a. Staff report
- b. Presentation by the applicant
- c. Testimony by the public, including Commissioners
- d. Closing remarks by the applicant responding to any new information presented by staff or the public or to Commission comments
- e. Commission motion, discussion and decision

1.4 The Chair and the Planning Director will estimate the amount of time for each item and the times will appear only on the Commissioners' copies of the agenda. Each Commissioner is responsible for helping the Chair hold to the times listed on the agenda.

1.5 Applicants are asked to keep their presentations brief, preferably no more than five minutes. Questions by the members of the Commission do not count against the time.

1.6 Members of the public addressing the Planning Commission should be instructed to give their name and full address and to please speak into the microphone as all meetings are recorded.

- 1.7 Members of the public who wish to speak on any items are asked to be brief and to limit their comments to three minutes. If any Commissioner cannot hear the name of the speaker, that person should be asked to spell the name. This request should go through the Chair.
- 1.8 At the discretion of the Chair, in order to speed the transcribing of the Minutes and ensure correct spelling of names and addresses, after speaking, the members of the public are encouraged to sign on the forms next to the recording secretary. Each speaker should write name and full address and list the agenda item of concern.
- 1.9 Speakers should address all comments and questions through the Chair.
- 1.10 Speakers shall not address the Commission from their seat.
- 1.11 The public should be encouraged to refrain from applause or other signs of approval or disapproval as this consumes time and doesn't contribute anything to the Commission's knowledge of the facts needed for decision-making.
- 1.12 Speakers should not speak more than once so that others may have a turn. If time permits, the Chair may allow a speaker to make additional comments after everyone has had a turn.
- 1.13 Staff reports with plans are posted in the lobby of the Council Chambers.
- 1.14 Plans are only posted in the Council Chambers for non-consent items.
- 2.0 Commissioner's Conduct at Meeting:
- 2.1 Consensus motions are used to indicate the sense of the Commission and are non-action motions. Commissioners are encouraged to offer consensus motions in order to focus on specific issues within a larger item or to indicate the sense of the Commission.
- 2.2 Motions should be very crisp. If findings are required, not only must findings be stated, but also the reasons behind the findings.
- 2.3 Motions shall begin with the words "I move . . ."
- 2.4 Commissioners should not debate or offer opinions on the merits of the project when:
 - a. asking questions of staff;
 - b. asking questions of applicant(s);
 - c. asking questions of the audience.

The sequence of asking questions should normally be:

1. questions of staff;
2. questions of the applicant(s) or audience;
3. questions of the applicant(s) responding to the audience.

Then, and only then, Commission debates.

- 2.5 Commissioners should be considerate of people's feelings and should not place pressure upon the speakers in an attempt to elicit or clarify a response.
- 2.6 Procedural questions should be asked of staff or asked of an experienced Planning Commissioner well ahead of the meeting rather than voicing them during the meeting.
- 2.7 Commissioners should avoid extended discussion of relatively minor points or items.
- 2.8 Each speaker should talk into the microphone loudly so that the audience can hear. Commissioners who cannot hear a speaker should so indicate to the Chair.
- 2.9 Comments or questions pertaining to items not on the agenda should be addressed to staff before or after the meeting, or at the break.
- 2.10 It is not necessary for each Commissioner to repeat his/her argument just because another Commissioner spoke against it.
- 2.11 Other than appeals, staff reports outlining recommendations for approval or denial are recommendations only and should be referred to only in this manner.
- 2.12 Commissioners should not talk before being recognized by the Chair and should not talk at the same time as another Commissioner who has been recognized.
- 2.13 Commissioners should avoid asking to speak at the last minute, when the Commission is preparing to vote.
- 2.14 A Commissioner should prepare a motion so that it is complete, clear, and concise. It is advisable to write down a motion during the meeting, prior to stating it.
- 2.15 Commissioners should not make a motion until after the Chair has terminated public discussion. Once the Chair has closed the public hearing, it shall not be reopened absent compelling circumstances.
- 2.16 When asking questions of staff or the applicant, Commissioners should ask single, simple questions, one at a time, rather than a multi-barrel barrage. This will allow staff or the applicant to give concise answers.
- 2.17 Commissioners should not make editorial comments unrelated to the issue being heard.

2.18 Commissioners should not discuss pending hearing items during the break, nor give the appearance of using the break in order to discuss a pending item.

3.0 Absences:

3.1 A Commissioner who expects to be absent should notify the Chair and/or the Planning Department prior to the meeting.

3.2 Town Policy provides that a Commissioner with three consecutive unexcused absences is subject to removal from the Commission.

3.3 If a Commissioner expects to be absent at two or more consecutive regular meetings, he/she should write a note to the Chair, stating the reasons for the absences and request that they be shown as excused absences.

3.4 If a Commissioner expects to be absent for three or more consecutive regular meetings, he/she should also address a letter to the Mayor and Town Council stating the reasons for the absence. A Commissioner should notify the Council if he or she expects to be out of the country.

3.5 Whenever a Commissioner is absent for any part of a public hearing that is subsequently continued to another date, that Commissioner is ineligible to vote on that matter at the continued hearing unless he/she has listened to the tapes of the proceedings. Staff will keep track of absences and will notify Commissioners when they need to listen to tapes. The individual Commissioner will then be responsible for making arrangements with the Planning Department secretary to listen to the appropriate tape(s) and for stating for the record at the continued hearing that he or she has (or has not) listened to the tapes and is (or is not) eligible to participate and vote.

4.0 Field Trips and Evidence Outside Formal Hearings:

4.1 Applications before the Planning Commission involve quasi-judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.

4.2 In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and other interested parties. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Ad hoc meetings of less than a

quorum of the Commission are prohibited, unless specifically authorized by the Town Council. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision, and include speaking with an interested party to obtain approval to enter a property and to obtain information intended to orient the Commissioner about the physical aspects of the property or a project. Participation in or attendance at meetings of the Town Council or any subordinate bodies are not prohibited.

- 4.3 Property visits by individual Commissioners are encouraged before the Commission meeting. If it is important to the decision, Commissioners should introduce at the public hearing any evidence observed at the property. Commissioners shall also disclose any incidental contacts with interested parties, and the nature of the contact. Upon opening the public hearing and prior to receiving any public testimony, the Chair shall ask each Commissioner to introduce any relevant evidence obtained outside the public hearing, including that observed at the property.
- 4.4 The Brown Act clearly applies to any field trip where a quorum of the Commission is present. It would also apply if separate trips were pre-arranged for groups of Commissioners representing less than a quorum. Accordingly, the best way to conduct a field trip is for the Commission to formally adjourn one of its meetings to a specific time and place for that purpose, thereby dispensing with the requirements for special notice to the media or neighbors.
- 4.5 If a Commissioner misses a regular meeting, the rule is that he/she may still vote on matters discussed at the meeting, provided the tapes are listened to. If the Commissioner misses the official field trip, he/she may not vote. Attendance at a field trip is mandatory to be eligible to vote.
- 5.0 Consent Items:
- 5.1 The Planning Commission acts on all items on the consent calendar in one motion.
- 5.2 Requests for discussion made after action has been taken on the consent calendar will not be considered.
- 5.3 If at all possible, each Commissioner should discuss concerns on consent Items with staff before the Commission meeting.
- 5.4 Before the Commission acts on the consent calendar, any person wishing to have a consent item discussed may request Commission to remove it from the consent calendar and hear it in normal agenda order.
- 5.5 It is not necessary to remove an item from the consent calendar under the following circumstances:

- a. Clarification regarding the recommended action, proposed conditions, or suggested findings is requested, and the Chair determines that the discussion will be non-controversial or minor.
 - b. A Commissioner proposes a change because of deficient or missing conditions or findings, and the change is explicitly accepted by the Commission and the applicant.
- 5.6 If discussion beyond that described in sections 5.4 and 5.5 above is sought, then the item will be removed from the consent calendar.
- 5.7 A Commissioner must state the specific reason for removing an item from the consent calendar.
- 6.0 Continuances:
- 6.1 Planning Commission Resolution No. 78-4, adopted May 10, 1978, states that the Planning Commission "... will not accept requests for continuances from applicants on planning applications after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions to this policy when it finds that a genuine emergency exists which was not known to the applicant prior to 12:00 noon of the Friday prior to such Commission meeting."
- 6.2 It is the responsibility of each Commissioner to keep staff reports and other materials necessary for the continued hearing. The only exception is for items continued for an excessively long interval (9 months or a year). Staff will resubmit old reports only if the Commissioner requests a copy of an earlier report, if he/she can make the necessary arrangements in a timely manner.
- 7.0 Findings:
- 7.1 Most matters that come before the Commission require findings. It is the practice of the Commission (with the exception of consent items) that all findings are formulated by the Commission. The types of matters requiring findings and the location of the findings to be made are summarized below:

Zoning Approvals

Citation

- | | |
|--|-----------------------------|
| a. Zone changes and Planned Developments | Statute |
| b. Conditional Use Permit | |
| 1. Findings for CUPS: | Town Code Section 29.20.190 |
| 2. Alternating Uses: | Town Code Section 29.10.150 |
| 3. Density - Multiple Family Dwelling: | Town Code Section 29.40.635 |
| c. Variances | Town Code Section 29.20.170 |
| d. Architecture and Site Application
(Considerations) | Town Code Section 29.20.150 |
| 1. Access to Remote Areas: | Town Code Section 29.40.180 |

2. Demolition permits:	Town Code Section 29.10.09030
e. Historic applications	
1. Construction	Town Code Section 29.80.290
2. Use	Town Code Section 29.80.230
f. Tree permits	Town Code Section 29.10.0990
g. Nonconforming lots	Town Code Section 29.10.265(3)
h. Use of nonconforming buildings	Town Code Sections 29.10.235 & 29.10.240
i. Changing nonconforming uses	Town Code Section 29.10.210
j. Expansion of nonconforming buildings	Town Code Section 29.10.225
k. Determine nonconforming use is no longer lawful	Town Code Section 29.10.225
l. Exceed Floor Area Ratio	Town Code Section 29.40.075(c)
m. Conversion of Mobile Home Parks	Town Code Section 29.20.820
n. Setbacks in C-2 zone	Town Code Section 29.60.335
o. Reciprocal parking	Town Code Section 29.10.150(e)
p. Parking for major additions to Single Family Dwellings (findings required for two spaces)	Town Code Section 29.10.150(h)
q. Waiver of underground utilities	Town Code Section 27.50.025
r. Revocation or Modification of Zoning Approval	Town Code Section 29.20.315
s. Roof Signs	Town Code Section 29.10.125
t. Time Extensions	Town Code Section 29.20.325

Subdivision Approvals

a. Tentative Maps	Map Act Section 66473 et seq
b. Final Maps	Map Act Section 66473 et seq
c. Double Frontage Lots	Town Code Section 24.50.130

General Plan Approvals

a. General Plan amendments	Statute
b. Specific Plan adoption and amendments	Statute

Other

a. Substantive Zoning Ordinance Amendments	Statute
b. Capital Projects	Statute
c. Acquisition or disposition of interests in land	Statute
d. Street Vacations	Statute
e. Negative Declaration and Environmental Impact Report	CEQA Guidelines
f. Community Benefit for projects with traffic impact	Council resolution 1991-174

7.2 Findings cannot simply be a repeat of the ordinance sections, findings must be "sufficient to bridge the analytical gap between the raw evidence and the decision."*

*Topanga Association for a Scenic Community vs. County of Los Angeles (1974) 11 Cal.3d 506, 515.

8.0 Environmental Impact Reports and Negative Declarations:

Environmental Impact Reports provide the Commission with very useful information for the decision making process; however, they are not needed for most applications. In the few instances where an EIR would be helpful, the Commission must make a decision on the issue of a Negative Declaration or an EIR before discussion of an application.

In effect, the Commission will take a vote on whether or not the EIR issue should be determined first. If the Commission votes to consider the EIR issue first, then testimony on issues concerning the environmental impact will be heard. After hearing the applicant and public on the EIR issue, the Commission will make its decision. If an EIR is required, further discussion of the application will be continued until the EIR is presented to the Commission.

9.0 Voting:

9.1 A quorum of the Planning Commission for the conduct of business is four members.

9.2 A simple majority of a quorum is sufficient for action on any item coming before the Commission, except that a majority of the full Commission is necessary for the following:

- a) General Plan Amendments
- b) Adoption of or amendment to a Specific Plan
- c) Substantive amendment to the Zoning Ordinance including zone changes.

9.3 An abstention does not diminish the quorum in order for the Commission to conduct business.

9.4 An abstention is counted on the prevailing side of any vote. For example, if four Commissioners are present and one abstains and the vote is 2 to 1 (in favor), the motion passes. If the vote is 1 to 2 (against), the motion fails.

9.5 Tie votes mean that the motion fails.

9.6 Since most Commission decisions are either wholly or in part quasi-judicial, in those cases where a motion to approve an item fails, it is necessary to make a new motion to deny, since the findings for denial need to be stated and cannot be assumed that they are simply the reverse of the findings stated for approval.

9.7 The Commission elects its Chair and Vice-Chair annually at a meeting in January. The Planning Director is the permanent secretary of the Commission as specified in the Town Code.

10.0 Abstentions:

10.1 The reason for an abstention should be given by the Commissioner at the time of the abstention; i.e. absence during part of the hearing, conflict of interest (actual interest need

not be disclosed) or appearance of conflict of interest. There is seldom any other reason for abstaining.

- 10.2 A Commissioner may vote on the Minutes of a meeting at which he or she was absent.
- 11.0 Minutes:
- 11.1 The Minutes are not verbatim, but are action Minutes.
- 11.2 The Minutes are presented to the Planning Commission as "Draft Minutes" and any corrections are incorporated into the final Minutes rather than appearing in the subsequent set of Minutes as "corrections to . . ."
- 11.2.1 Only substantive corrections should be made during meetings.
- 11.2.2 Corrections to mechanics (spelling, punctuation, typos, etc.) shall be transmitted to the Planning Director or the Administrative Secretary in writing, by phone, or at a convenient time outside public session.
- 11.3 General Rules:
- 11.3.1 Staff and Commissioners should be identified by title and name.
- 11.3.2 The vote on each item will list the vote of Commissioners present and will also list those Commissioners absent. This is done because the Minutes are filed by Item and when a matter goes to the Town Council they only receive the Minutes pertaining to the Item in question.
- 11.3.3 Consent Items appear in the Minutes in the same order as they appear on the agenda and the vote on the Consent Item motion is repeated on each Item. If a Commissioner wishes to dissent on one or more Consent Items it must be announced at the time of voting.
- 11.4 Content of Minutes:
- 11.4.1 The Minutes will include a brief description of the item being considered (usually a restatement of the Item as it appears on the agenda).
- 11.4.2 The Minutes will include a listing of who speaks on the item by name and address, generally categorized as pro and con with a synopsis of the points raised. Specific comments may not be attributed to each speaker.
- 11.4.3 The Minutes will include the motion on the item with the maker and seconder identified and the vote.
- 11.4.4 The motion is shown in its entirety as restated by the Chair prior to the vote. All conditions and findings made by the maker of the motion are also shown.

11.4.5 Motions to amend and subsequent motions are also shown.

11.4.6 All motions shall be listed in the Minutes. Motions not receiving a second will be shown to die for lack of a second.

11.4.7 Comments and discussion made by a Commissioner or staff before a motion is made and seconded are not included in the Minutes.

11.4.8 Comments made by a Commissioner when speaking to a motion are included, but in summary form only.

11.4.9 Minority Reports. Comments made by a Commissioner against a motion will be included as stated above and automatically becomes a minority report. If a Commissioner wants a specific statement included as a minority report, it can be done in one of two ways:

- a. By stating immediately prior to or after a specific comment made during the meeting that it should be included in the Minutes.
- b. By announcing at the end of the item before the next item is commenced that the Commissioner desires to have a minority report included in the Minutes and that a written report will be submitted to the full Commission for information and inclusion with the draft Minutes.

11.4.10 If a Commissioner has an additional reason for wanting an item included in the Minutes, the Commissioner should state that "for the record" the comments should be included. This procedure should be used sparingly.

12.0 Recycling Program:

The Town is actively participating in recycling of paper. Commissioners are encouraged to:

- a. Return the brown envelopes (in which the packet is delivered) to the secretary.
- b. All Planning Commission reports dealing with issues that will go to Council should also be given to the secretary.
- c. All white paper that is no longer needed should be left in a neat pile on the floor or in the recycling bin provided.

13.0 Guidelines for Applicants:

13.1 All drawings must be clear and legible and must include the following, if applicable:

13.1.1 Project location relative to nearest arterial and collector street intersection.

13.1.2 Direction Arrow (north) on all relevant drawings, i.e.: site, topography.

13.1.3 To avoid confusion and increase legibility, site plan, grading plans, and landscape plans should be on separate drawings. Applicants should consult the Planning Department if they feel plans can be combined. A Commissioner may move to continue an item based on illegible plans, provided that such continuance will not result in automatic approval.

13.1.4 All building elevations should indicate whether they are N, S, E, or W.

13.1.5 All notations, including, dimensions, shall be readable without magnification whether reduced drawings or not. (Scale of buildings, etc., and contours to be determined by staff to assist the Commission for reviewing significant details.)

13.1.6 Any development which might have an impact on the solar accessibility of adjoining properties, all PDs and multiple family projects shall provide building and tree shadow plans based on shadows cast from 9 a.m. to 3 p.m. on December 21st to allow for evaluation of solar access protection of south roofs and walls.

13.1.7 All plant designations shall have common names as well as botanical names shown on Landscape Plans.

13.2 After the first DRC meeting, and if the staff determines it is necessary (for instance, in the case of applications for PD, multiple-residential, major commercial, industrial adjacent to a residential, or any application requiring an EIR, or likely to engender neighborhood controversy), staff shall advise the applicant to arrange to hold neighborhood meetings with both property owners and residents who will be affected by the applicant's proposed project (within 300 feet). This shall be accomplished prior to scheduling for a Planning Commission meeting and shall be for the purpose of averting conflicts at the Planning Commission level, i.e.: achieving satisfactory compromises. A summary of the neighborhood meeting should be included in the staff report.

13.3 Timing of Submissions:

Once an application is scheduled for the Planning Commission, all submittals (drawings, reports, etc.) shall be provided to the Planning Department sufficiently in advance that they can be evaluated by Staff for completeness and be in the Commissioner's packets the Friday before the Commission's Wednesday meeting. Staff shall advise applicants that failure to provide materials on time will mean a continuance by the Planning Commission or possible denial if applicant refuses a continuance.

13.4 Town Policy for Handling Abandoned Applications:

13.4.1 Where there has been no activity for at least three (3) months, the applicants shall be notified in writing that the matter is being set for public hearing before the Planning Commission with a recommendation for denial.

13.4.2 If no additional response is received within 15 days of the date the letter is sent, or if the applicant advises staff that he decides not to pursue it, the application will be set for public hearing for denial/withdrawal as appropriate. No mailed notice will be made unless required by State law. The legal advertisement and the agenda shall note the recommended action and reason for such action.

13.4.4 A request to extend the processing time can be granted by the Planning Director at any time before the matter is set for public hearing. If after such an extension is granted, and there is still no satisfactory action to complete the application, the matter will automatically be set for public hearing as described under 2.0 above.

13.4.5 There shall be no fee refunds or off-sets on future applications.

13.5 Applications for Demolition of Housing:

Such applications shall be accompanied by a staff report prepared by Town Building Official which assesses the condition of the housing units in terms of compliance with the Health and Safety Codes (UBC, NEC, UPC, etc.) and what measures might be necessary to rehabilitate such housing.

13.6 Applications to cut down trees:

Such applications shall be accompanied by a report by the Superintendent of Parks and Forestry on the health and viability of the trees and a recommendation on the action the Commission should take.

13.7 Revocation and Modification Proceedings:

In Code Enforcement proceedings, the Planning Director is authorized to set public hearings for revocation and/or modification of zoning approvals.

14.0 Planning Commission Committees:

The Commission has several standing committees, and individual Commissioners also represent the Commission on a number of Council appointed committees as follows:

14.1 Commission Committees:

Architectural Standards/Hillsides Committee - Inactive
Noise Committee - Inactive
Policies and Procedures Committee - Inactive

14.2 Council created Committees:

General Plan Committee - 3 members
Historic Preservation Committee - 2 members
Conceptual Development Advisory Committee - 3 members

Committee members are appointed by the Chair at the next Commission meeting following the election. Committee terms are for one year.

RESOLUTION 2005 - 104

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ADOPTING A CODE OF CONDUCT
FOR THE COLLECTION FRANCHISE PROCUREMENT PROCESS**

WHEREAS, the Town is a member of the West Valley Solid Waste Management Authority ("Authority"), a joint powers authority between the Town of Los Gatos and the Cities of Campbell, Monte Sereno, and Saratoga ("Member Agencies"); and

WHEREAS, the members of the Town Council are obligated to comply with the Political Reform Act of 1974 ("PRA") to control conflicts of interests through, among other things, disclosure of financial interests; and

WHEREAS, the Authority is in the process of requesting and receiving proposals for the collection and disposal of solid waste within the jurisdiction of the Authority ("Procurement Process"); and

WHEREAS, the Board of Directors of the Authority desires to maintain a professional process free from any undue influence and the appearance of impropriety by complying with the PRA and adopting additional regulations regarding the Procurement Process.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE that the following Code of Conduct for the Collection Franchise Procurement Process is adopted:

Code of Conduct for the Collection Franchise Procurement Process

- A. **POTENTIAL CONFLICT OF INTEREST.** Each Board Member shall inform the Executive Director of the Authority and each elected official of the Member Agencies ("Elected Official") shall inform the staff of his or her Member Agency of any potential conflicts of interest regarding potential proposers for solid waste services for the Authority ("Potential Proposers"). Information regarding potential conflicts existing between January 1, 2005, and October 1, 2005, shall be disclosed no later than October 15, 2005. Information regarding potential conflicts arising after October 1, 2005 shall be provided within 10 days of the Board Member or Elected Official learning of the potential conflict.
- B. **CONTRIBUTIONS.** No Board Member or Elected Official shall accept any contributions by Potential Proposers from October 1, 2005, until January 1, 2007. Any contributions received between September 1 and October 1, 2005 shall be returned. Each Board Member and Elected Official shall disclose all past contributions from Potential Proposers to the Executive Director of the Authority.
- C. **PROHIBITED CONTACTS.** No Board Member or Elected Official shall have non-public meetings or conversations with Potential Proposers from October 1, 2005, until January 1, 2007, regarding the Procurement Process or any matters involving the Potential Proposers. However, this section shall not prohibit Board Members and Elected Officials from meeting with Potential Proposers for purely social reasons. All Board Members and Elected Officials shall refer any questions regarding the Procurement Process to the Executive Director of the Authority. Board Members and Elected Officials shall disclose to the Executive Director of the Authority any non-public meetings or conversations with Potential Proposers regarding the Procurement Process which occurred from January 1, 2005, until August 31, 2005. A "non-public" meeting is any meeting that has not been called and held in accordance with the Brown Act.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of October, 2005 by the following vote:

COUNCIL MEMBERS:

AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector, Mayor Mike Wasserman.

NAYS: None

ABSENT: None


ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR
OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2014-059

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING THE TRAFFIC IMPACT POLICY
AND RESCINDING RESOLUTION 1991-174**

WHEREAS, on August 5, 1991, the Town of Los Gatos adopted Resolution 1991-174 adopting a Traffic Impact Policy; and

WHEREAS, Chapter 15, Article VII of the Town of Los Gatos Town Code provides for the establishment of Traffic Impact Mitigation Fees; and

WHEREAS, on March 24, 2014, the Town Council at a duly noticed Public Hearing considered and took action on the specific amount to be charged for traffic mitigation fees; and

WHEREAS, on May 19, 2014, the Town Council adopted Resolution 2014-017 confirming actions taken by the Council on March 24, 2014 amending the Town's Traffic Impact Mitigation Fees; and

WHEREAS, on May 19, 2014, the Town Council, in conjunction with amending the Town's Traffic Impact Mitigation Fees also adopted a number of additional provisions related to the assessment of Traffic Impact Mitigation Fees, including provisions related to specialty retail uses, traffic credit for existing or former uses, secondary dwelling units, low income housing, and credit for payment and construction of Traffic Mitigation Improvement Projects; and

WHEREAS, a revision of the 1991 Traffic Impact Policy is needed to conform the Town's Traffic Impact Policy with the recent changes to the Town's Traffic Impact Mitigation Fees enacted with the adoption of Resolution 2014-017.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California that the attached Traffic Impact Policy (Exhibit A), dated August 19, 2014 is hereby adopted.

FURTHER RESOLVED, this resolution rescinds provisions of Resolution No. 2002-175 related to Community Benefit offerings for projects generating more than five new peak hour trips.

FURTHER RESOLVED, the elimination of Community Benefit shall only apply to traffic impacts and not to Community Benefit requirements for projects set forth elsewhere in Council Policy or Town Code.

FURTHER RESOLVED, this resolution rescinds Resolution No. 1991-174.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 19th day of August, 2014 by the following vote:

COUNCIL MEMBERS:

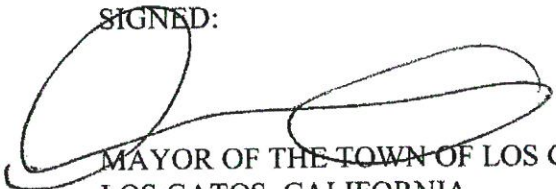
AYES: Marcia Jensen, Diane McNutt, Joe Pirzynski, Barbara Spector, Mayor Steven Leonardis

NAYS:

ABSENT:


ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Exhibit A

TOWN OF LOS GATOS
TRAFFIC IMPACT POLICY
Approved August 19, 2014

I. DEFINITIONS

Average Daily Trips. Average Daily Trips (ADT) are the total number of trips, both in-bound and out-bound, within a 24 hour weekday period, generated by a particular use or development.

Pass-By Trip. Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

Peak Hour Trip. Peak Hour Trips are vehicle trips, both in-bound and out-bound, occurring during a one hour period either during the A.M. Peak (7 A.M. to 9 A.M.) or the P.M. Peak (4 P.M. to 6 P.M.), generated by a particular use or Project.

Project. A Project subject to this policy encompasses all land use development projects affecting the built environment, including changes in occupancy or intensification of existing uses, over which the Town has administrative or legislative authority, that require review and approval and issuance of a building permit, certificate of use or occupancy, or other land use approval by Town staff, Commissions, or Council.

Specialty Retail. Specialty Retail uses are defined as walk-in and impulse businesses such as juice bars, yogurt shops, coffee shops, donut shops, and similar uses which do not generally serve meals and have limited or no seating. Specialty Retail uses are defined under this policy for purposes of establishing trip generation data and this definition does not provide any land use or zoning guidance.

II. GENERAL CONDITIONS AND APPLICABILITY

1. This policy is intended to provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
2. Projects that are determined by the Town to generate one or more new net Average Daily Trips are subject to this policy.
3. Projects that will generate 20 or more new Peak Hour Trips shall be required to complete a comprehensive traffic impact analysis report as described in more detail in Section VI, TRAFFIC IMPACT MITIGATION REPORT.
4. Consistent with Transportation Impact Analysis (TIA) Guidelines adopted by the Santa Clara County Transportation Authority (VTA) Congestion Management Program, Pass-by Trips shall not be considered in calculating the 20 new Peak Hour Trip threshold that triggers the requirement for conducting a comprehensive traffic impact analysis report.
5. In order to determine how much new traffic a Project will generate, the Town will use applicable trip generation rates and pass-by trip data from the most recent edition of the Institute of Traffic

Engineers (ITE) *Trip Generation Manual*. Alternatively, trip generation rates from the following resources may be used if determined by the Town to be more appropriate than the available ITE rates: San Diego Association of Governments (SanDAG); California Department of Transportation (Caltrans); or the City of San Jose. A Town-sponsored or peer-reviewed traffic study may also be used to determine trip generation rates.

6. Nothing in this Policy shall prohibit or restrict a Project applicant from completing a traffic study for a Project anticipated to generate less than 20 new Peak Hour trips.

III. TRAFFIC IMPACT MITIGATION FEES

1. All Projects that generate one or more new Average Daily Trips are required to pay Traffic Impact Mitigation Fees.
2. All required Traffic Impact Mitigation Fees shall be paid in full to the Town in association with and prior to issuance of a building permit. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. The amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.
3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.
5. ADT shall be determined by using the applicable trip generation rate and pass-by trip data from the most recent edition of the Institute of Traffic Engineers (ITE) *Trip Generation Manual*. When a use is not listed in the ITE *Trip Generation Manual*, or where ADT data is not available, the Town Traffic Engineer shall use available Peak Hour Trip data or select the most appropriate trip generation rate and pass-by trip classification for use in calculating ADT. Trip generation rates from alternate sources may be used if determined by the Town Traffic Engineer to be more appropriate than the available ITE rates. Examples of alternate sources of data include: San Diego Association of Governments (SanDAG); California Department of Transportation (Caltrans); City of San Jose; comparable store/business traffic studies.

IV. CREDIT FOR EXISTING TRIPS

1. In calculating new Peak Hour Trips for purposes of determining whether or not a traffic impact analysis report is required pursuant to this Policy, trip credit shall be granted for an existing use or the most recent former use within the past five years prior to submittal of a Project application.
2. In calculating new Average Daily Trips for purposes of determining the amount of the Traffic Impact Mitigation Fee due, trip credit shall be granted for an existing use or the most recent former use within the past five years prior to submission of a Project application.

3. Where the property is vacant, the most recent former use within the past five years prior to submission of a Project application shall be used. If the property has been vacant for more than five years, no credit shall be given. Vacancy for purposes of Fee Credit shall include any vacant or unoccupied property, structure or building where no active, approved use is currently present.
4. Where a portion of the space is changing use, credit will apply to the proportionate square footage of the space under review.
5. Where the change in use results in fewer trips than the existing or former use, no credit or refund will be due the applicant.

V. CREDIT FOR TRAFFIC MITIGATION IMPROVEMENTS

1. Credit against Traffic Impact Mitigation Fees due shall be granted up to the amount of the Estimated Project Cost shown on Attachment 1, Town of Los Gatos Traffic Mitigation Improvements Project List, for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost, or contribute a fixed or percentage amount of funding toward future construction of the listed improvement. Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 1. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.
2. No credit shall be given for any public right-of-way dedication required for completion of projects listed on Attachment 1.
3. Credit will be given on a case-by-case basis and shall not exceed the impact fee payable. Any request for credit shall be made prior to the payment of the Traffic Impact Mitigation Fees. No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.
4. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 1, unless otherwise approved by the Town Council.

VI. TRAFFIC IMPACT ANALYSIS REPORT

1. Traffic impact analysis reports required pursuant to this policy shall be prepared consistent with the Transportation Impact Analysis (TIA) Guidelines adopted by the Santa Clara County Transportation Authority (VTA) Congestion Management Program (August 2009), or as such Guidelines may be amended or updated from time to time, except that the threshold for preparation of a traffic report under this policy is 20 new Peak Hour trips, whereas the VTA TIA threshold is 100 new Peak Hour Trips.
2. Traffic impact analysis reports shall be funded in full by the project applicant. Project applicants shall deposit funds with the Town in an amount deemed necessary to cover the cost of an independent consultant report, plus staff administrative and review costs. Following deposit of funds, the Town will hire a professional transportation consultant to complete the required study.

Alternatively, the project applicant may hire their own professional engineering or transportation consultant to complete a traffic study, in which case they must deposit with the Town funds sufficient for the Town to hire a professional firm to conduct a peer review of the applicant-prepared traffic report, plus staff administrative and review costs.

3. The Town shall conduct an open, competitive process to establish a list of firms which are qualified to prepare traffic reports and/or conduct peer review of traffic studies under contract to the Town. The list of firms shall be selected in accordance with the Town Purchasing Policy. A new list shall be created at a minimum of once every five years.

VII. OTHER PROVISIONS

1. The Institute of Traffic Engineers (ITE) *Trip Generation Manual* trip generation rates for Specialty Retail Center shall apply to all Specialty Retail uses as defined in this policy.
2. A secondary dwelling unit with a floor area of six hundred square feet or less shall be exempt from this policy.
3. The Town Council may exempt housing developments for very low, low and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing.

Attachment 1

Town of Los Gatos Traffic Mitigation Improvements Project List

Source	Description	Estimated Project Cost (2014 \$)	Growth Related Project Cost	Mitigation Impact Fee Eligible Cost
GPV/TP 2035	Blossom Hill Rd and Union Ave Intersection Improvements	\$ 1,200,000	90.00%	\$ 1,080,000
GPV/TP 2035	Los Gatos - Almaden Rd Improvements	\$ 3,000,000	50.00%	\$ 1,500,000
GPV/TP 2035	Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes	\$ 4,000,000	50.00%	\$ 2,000,000
GPV/TP 2035	Union Ave Widening and Sidewalks - complete ped and bike routes	\$ 3,000,000	50.00%	\$ 1,500,000
GPV/TP 2035	Wood Rd Gateway on Santa Cruz Ave - roundabout	\$ 1,200,000	50.00%	\$ 600,000
GPV/TP 2035	Central Traffic Signal Control System	\$ 750,000	9.68%	\$ 72,600
GPV/TP 2035	Hwy 9 Los Gatos Creek Trail connector - new path and bridge for	\$ 1,000,000	50.00%	\$ 500,000
GPV/TP 2035	Hwy 9/N Santa Cruz Ave Intersection Improvements	\$ 1,400,000	90.00%	\$ 1,260,000
CIP	Roberts Road Improvements from bridge to University	\$ 600,000	50.00%	\$ 300,000
CIP	Pollard Road Widening from Knowles to York Avenue	\$ 2,500,000	50.00%	\$ 1,250,000
CIP	Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools	\$ 1,000,000	50.00%	\$ 500,000
CIP	Winchester Blvd/Lark Avenue Intersection Improvements	\$ 850,000	90.00%	\$ 765,000
CIP	Westbound Lark to Hwy 17 northbound ramps - add two right-turn	\$ 3,750,000	90.00%	\$ 3,375,000
CIP	Unfunded Deferred Street Maintenance (Annual PMS Survey)	\$ 10,500,000	9.68%	\$ 1,016,400
GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	\$ 1,200,000	90.00%	\$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos	\$ 2,100,000	50.00%	\$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos	\$ 650,000	50.00%	\$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	\$ 3,000,000	50.00%	\$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	\$ 1,500,000	50.00%	\$ 750,000
GP	Blossom Hill Road widening over Highway 17	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Local Bikeway Improvements	\$ 750,000	50.00%	\$ 375,000
Total		\$ 47,950,000		\$ 22,799,000

Notes:

VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.

Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.

Source: Town of Los Gatos.

RESOLUTION 2001 - 106

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING THE TOWN'S ALCOHOLIC BEVERAGE POLICY**

WHEREAS, the sale of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents; and

WHEREAS, The Town Council wants to balance the regulation of alcoholic beverage service and protection of residential neighborhoods with the goal of maintaining a vibrant and successful Downtown and commercial areas throughout Los Gatos; and

WHEREAS, the Town Council held a study session on July 2, 2001 to discuss issues relating to service of alcoholic beverages; and

WHEREAS, the Town Council has indicated a desire to review all applications for new alcohol service or change in existing service, and a need to amend the existing Alcohol Policy,

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the amended Alcoholic Beverage Policy attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th day
of September, 2001, by the following vote:

COUNCIL MEMBERS:

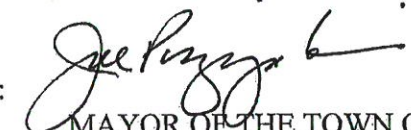
AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None


ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**POLICY REGULATING THE CONSUMPTION AND
SERVICE OF ALCOHOLIC BEVERAGES**

I. Purpose

The consumption or service of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents. This policy provides parameters for alcoholic beverage service, particularly addressing late night service when alcohol related incidents are most likely to occur and when the disturbances to Town residents is least tolerable.

The service of alcoholic beverages, with or without meals, past 10 PM is a discretionary privilege to be determined on a case by case basis. The following provisions are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of our commercial centers in which restaurants have an essential role. Hours of operation may be regulated based on an establishment's proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may arise at the public hearing.

The deciding body may approve a conditional use permit to serve alcoholic beverages based on the merits of the application and subject to the following requirements:

II. General policy

1. The Town shall continue to strongly discourage new applications for stand alone bars or restaurants with separate bars.
2. The Town shall continue to discourage applications for entertainment establishments serving alcoholic beverages.
3. Entertainment in association with an eating or drinking establishment may be allowed if standards and a permit process are adopted.
4. Alcoholic beverage service for new conditional use permit applications or applications for modification of a conditional use permit shall not be allowed:
 - A. After 11 PM Sunday through Thursday, except for holidays and evenings before holidays.
 - B. After 1 AM Friday, Saturday, holidays or evenings before holidays.

An existing establishment with a conditional use permit in good standing allowed to serve alcoholic beverages past the hours stated above may continue to operate under their existing hours of operation.

5. Any establishment serving alcoholic beverages shall be subject to the following:
 - A. Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
 - B. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
 - C. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the Californian restaurant Association.
 - D. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
 - E. Taxicab telephone numbers shall be posted in a visible location.
6. The deciding body shall make the following findings prior to approving an application for conditional use permit to serve alcoholic beverages past 10PM:
 - A. Late night service will not adversely impact adjacent residential neighborhoods.
 - B. The applicant does not have a history of complaints and non-compliance with local ordinances or the Alcoholic Beverage Policy.
 - C. The applicant has demonstrated a clear benefit to the community.
7. A meal is defined as a combination of food items selected from a menu (breakfast, lunch or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals.
8. Alcoholic beverage service in approved outdoor seating areas may be permitted if adequate separation from public areas is provided as determined by the Town Manager. The separation shall clearly suggest that alcohol is not allowed outside the restaurant seating area.

III. Specific Policy

1. Restaurants:

Alcoholic beverages may only be served with meals.

2. Restaurants With Separate Bars:

Alcoholic beverage service is permitted in the dining area only in conjunction with meal service. Meal service shall be available until closing or 11 PM Sunday through Thursday and until 12 midnight Friday, Saturday, holidays and evenings before holidays, whichever is earlier, if late night bar service is available. Specific hours of operation for each establishment are determined upon issuance of a conditional use permit.

IV. Review Process

1. Proposals for new bars or restaurants with bars and all requests for new alcohol service or a change to existing service shall be reviewed by the Planning Commission. The Commission will make a recommendation to the Town Council and the Council shall have final review authority.
2. Changes in ownership for businesses involving service of alcoholic beverages shall be reviewed by the Community Development Department. The following process will be followed:
 - a. The Director of Community Development shall contact the new business owner to make them aware of the conditions of approval attached to the Use Permit for the location.
 - b. One year following issuance of a business license, surrounding/impacted property owners shall be notified and any comments regarding the operation of the business shall be solicited.
 - c. If the Director of Community Development becomes aware of any alcohol related impacts on the surrounding neighborhood, the Director shall review the operation of the business to determine whether there is a violation of the use permit.

- d. If there are violations of the use permit that have not been voluntarily corrected by the business owner the matter will be forwarded to the Planning Commission for public hearing pursuant to Section 29.20.310 of the Zoning Ordinance.
- e. Pursuant to Section 29.20.315 of the Zoning Ordinance the Planning Commission may revoke or modify the conditional use permit if it finds that sufficient grounds exist.

IV. Enforcement

All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.30.310(b) of the Town Code authorizing the Town Manager to take enforcement action if it is determined that the sale of alcohol has become a nuisance to the Town's public health, safety or welfare. Enforcement of section 29.20.310(b) of the Town Code will be based on, but not limited to, the following factors:

- I. The number and types of calls for service at or near the establishment ~~which that~~ are a direct result of patrons actions;
- II. The number of complaints received from residents ad other citizens concerning the operation of an establishment;
- III. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- IV. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department;
- V. Violation of conditions of approval related to alcoholic beverage service.

The Alcoholic Beverage Policy is not to be construed to be a right of development. The Town retains the right of review and approval (or denial) of each project based on its merits.

RESOLUTION 2013-001

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ESTABLISHING A SUBORDINATION POLICY FOR
THE BELOW MARKET PRICE HOUSING PROGRAM**

WHEREAS, the Town of Los Gatos Zoning Ordinance Sections 29.10.3000 through 29.10.2040 establishes a Below Market Price (BMP) Housing Program to assist low and moderate income Los Gatos citizens to purchase homes at prices below market value; and

WHEREAS, the program requires construction of dwellings that persons and families of low and moderate income can afford to rent or buy, and assures to the extent possible that the resale prices of those dwelling units and rents, if they are rented, will be within the means of persons and families of low and moderate income; and

WHEREAS, the Program helps the Town meet State mandated housing goals; and

WHEREAS, systemic changes in the broader housing and finance markets due to the “Great Recession” have caused lenders to tighten their loan underwriting requirements and require higher recorded lien positions for their loans in the event of foreclosures; and

WHEREAS, the Town has identified the need to establish a Subordination Policy for the BMP Housing Program to reflect the changes that have occurred in the housing and finance markets; and

WHEREAS, this resolution establishes a Subordination Policy for the Town of Los Gatos BMP Housing Program in order to ensure that BMP buyers are able to obtain necessary lender financing to purchase available units and maintain the Town’s ability to retain units for the longest feasible time possible.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, that
Town Council of the Town of Los Gatos adopts the Town of Los Gatos Below Market Price
Housing Program Subordination Policy attached as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los
Gatos, California, held on the 22nd day of January 2013, by the following vote:

COUNCIL MEMBERS:

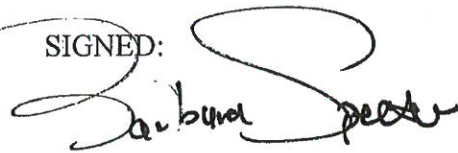
AYES: Marcia Jensen, Steven Leonardis, Diane McNutt, Joe Pirzynski, and Mayor Barbara Spector

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN OF LOS GATOS
BELOW MARKET PRICE HOUSING PROGRAM
SUBORDINATION POLICY**

In order to facilitate the on-going purchase of Below Market Price (BMP) for-sale units by eligible Lower and Moderate Income households and to allow for the preservation of the BMP units in Town's affordable housing stock for the longest feasible time, the Town Council of the Town of Los Gatos establishes this Subordination Policy for the BMP Housing Program.

1. The Town Manager or designee is authorized by the Town Council to execute a Subordination Agreement with a lender providing financing for a BMP for-sale property subject to the following requirements:
 - A. The Town's Deed Restriction shall be recorded immediately after the Grant Deed transferring ownership to the BMP buyer.
 - B. The lender must be a bona fide financial institution subject to the banking laws and regulations of the United States government.
 - C. The lenders loan shall be for a fixed term and fixed rate with no balloon payments.
 - D. The amount of the lender's purchase loan cannot exceed the designated BMP sales price.
 - E. The Subordination Agreement shall require the lender to promptly notify the Town upon the occurrence of a default event for the lender's loan.
 - F. The Subordination Agreement shall require the lender to timely provide the Town copies of all delinquency notices, late payment, and courtesy correspondences that are sent to the homeowner/borrower.
 - G. The Subordination Agreement shall provide the Town a minimum 180-day period to be able to cure a default of the lender's loan, and if necessary pay off the lender's loan and purchase the property from the buyer prior to foreclosure.
 - H. The Subordination Agreement shall note that the 180-day cure period shall commence upon receipt of the Town's receipt of a Notice of Default on the lenders loan.
 - I. The Borrower shall pay any applicable application or processing charges established by the Town to offset its costs related to the provision of the requested Subordination Agreement (e.g. staff time, materials, etc.)
 - J. The Subordination Agreement shall be for the specific purchase loan being provided by the lender and only for the loan documents recorded at the time of initial purchase.
2. The Town Council may consider approval of a Subordination Agreement for a lender refinance loan for an existing BMP unit provided that all the following requirements are satisfied:

- A. The proposed refinance loan is consistent with the BMP Housing Program Guidelines.
- B. The proposed refinance loan is only for a lower rate or term and will result in lower monthly payments to benefit the homeowner.
- C. The proposed refinance loan amount is equal to or less than the amount of the outstanding loan balance of the existing loan (i.e. no cash out to homeowner).
- D. The homeowner has attempted to obtain a refinance loan from other lenders and has provided the Town documented evidence that a refinance loan cannot be obtained from any lender without the Town's approval of a Subordination Agreement.
- E. Satisfaction of Policy Items Section 1A through 1I.

RESOLUTION 2005 - 037

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING GUIDELINES FOR MODIFICATION OF USE**

This resolution establishes the criteria that will be used to evaluate a modification of use pursuant to Zoning Ordinance Section 29.20.200.

RESOLVED:

A conditional use permit (CUP) is intended to allow the establishment of those uses that have unique characteristics or special form such that their effect on the surrounding environment must be evaluated for a particular location. The CUP process allows for review of the location, design, configuration of improvements and potential impact on the surrounding area. Once a CUP has been granted it runs with the land. Modifications to a property with a valid CUP may be considered when an application has been filed for Architecture & Site approval or a building permit has been requested, providing there is no material adverse impact or substantial departure from the plans that were the basis for the CUP.

1. The following are examples of changes that would be considered a material adverse impact on the surrounding area:
 - a. Requirement for environmental review under the California Environmental Quality Act (CEQA)
 - b. Conflicts with General Plan goals and/or policies
 - c. An increase in outdoor noise levels that would exceed the limits set by the Town's Noise Ordinance
 - d. Non-compliance with the Commercial Design Guidelines
 - e. Changes to the operational aspects of the business that conflict with Planning Commission or Council conditions of approval (example, increasing hours of operation)
 - f. Inconsistency with all applicable provisions of the Zoning Ordinance and the spirit and intent of the original approval
2. Examples of changes that are a substantial departure from plans that were the basis of the conditional use permit approval are those that result in any of the following:
 - a. Conflicts with operational conditions of approval
 - b. Adds land area to the property for which the use permit was granted
 - c. Results in a parking or traffic impact to other properties in the area
 - d. Conflicts with applicable provisions of the Town Code
 - e. Conflicts with General Plan Goals and/or Policies
 - f. Results in a change relative to service of alcoholic beverages

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector
Mayor Mike Wasserman

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2005 - 038

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A POLICY ON
MINOR ALTERATIONS TO COMMERCIAL BUILDINGS**

WHEREAS, the Town of Los Gatos is updating its commercial development standards and guidelines, and

WHEREAS, the Zoning Ordinance allows approval of minor projects by the Development Review Committee (DRC); and

WHEREAS, there is no definition of a minor project; and

WHEREAS, adoption of a policy defining minor projects will help provide clear direction to developers and business owners processing development applications (General Plan Goal L.G.7.2 and Implementing Strategy L.I.7.4) and will assist staff; and

WHEREAS, the General Plan Committee recommends that the policy on Minor Alterations to Commercial Buildings be adopted; and

WHEREAS, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the policy on Minor Alterations to Commercial Buildings (attached as Exhibit A).

FURTHER RESOLVED, the policy shall apply to all development applications that have not been approved prior to adoption of the document.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Mayor Mike Wasserman

NAYS: Barbara Spector

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Minor Alterations to Commercial Buildings

Enabling Action:
2005-

Page 1 of 2

Approved:

Effective
Date:

Mike Wasserman, Mayor

PURPOSE:

Section 29.20.745(8) of the Zoning Ordinance states that the Development Review Committee (DRC) shall "determine and issue zoning approval for minor exterior alterations to commercial buildings". The purpose of this policy is to define "minor exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance. To assist in the redevelopment of commercial buildings, the Town has created a streamlined review process for minor commercial improvement projects that comply with the Commercial Design Guidelines.

The following shall be used by staff when reviewing plans for minor exterior alterations to commercial buildings to determine if proposed projects can take advantage of the streamlined review process.

EXAMPLES OF MINOR ARCHITECTURAL IMPROVEMENTS:

The following are examples of minor architectural improvements that may be decided by the Development Review Committee (DRC) after considering public input at a duly noticed public hearing:

1. Replacing or changing out windows
2. Replacing or adding awnings
3. Changes to or addition of arcades
4. Replacement of or changes to exterior materials
5. Small scale additions (may not result in an increase of more than four peak hour trips)

DEFINITION:

For projects that include small scale additions, a minor commercial project is one which is in full compliance with the Town's Commercial Design Guidelines and Town Code and does not result in an intensification of use as described in Section 29.30.200 of the Zoning Ordinance or more than a minor increase in traffic as described in the Town's Traffic Impact Policy.

The Director of Community Development or the Development Review Committee may refer any minor commercial project to the Planning Commission if it is not in compliance with the Commercial Design Guidelines, there are impacts to surrounding properties that cannot be resolved by the DRC, or as otherwise deemed appropriate.

RESOLUTION 1993-62

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A DEVELOPMENT POLICY FOR IN-FILL PROJECTS

WHEREAS, the Town is primarily built out and the balance of undeveloped land consists predominantly of in-fill parcels; and

WHEREAS, it is important that these in-fill parcels are development compatible with surrounding neighborhoods.

RESOLVED: the Town Council hereby adopts a development policy for in-fill projects attached to this resolution as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 3rd day of May, 1993, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Linda Lubeck, Patrick O'Laughlin,
Mayor Joanne Benjamin

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Joanne Benjamin
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DEVELOPMENT POLICY FOR IN-FILL PROJECTS

1. In-fill projects should contribute to the further development of the surrounding neighborhood (i.e. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life).
2. An in-fill project should be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, provide comparable lot sizes and open space, consider garage placement, setbacks, density, provide adequate circulation and on-street parking. In-fill development should blend rather than compete with the established character of the area.
3. Corridor lots may be considered if it decreases the amount of public street and is consistent with objects #1 and #2. It must be demonstrated that a benefit to surrounding properties is being provided.
4. The Planned Development process should only be used to accomplish objects #1 and #2. The applicant shall demonstrate the benefit of a Planned Development through excellence in design.
5. Approval of an in-fill project shall demonstrate a strong community benefit and findings of benefit shall be part of the record.
6. Recommend that any new development proposal be reviewed by the Conceptual Development Advisory Committee.

C32\MISC\IN-FILL

EXHIBIT A

RESOLUTION NO. 1983-218

RESOLUTION ADOPTING ENVIRONMENTAL REVIEW PROCEDURES

RESOLVED, under the provisions of Public Resources Code Sections 21000 et seq (California Environmental Quality Act of 1970) that the provisions of the State EIR Guidelines (as amended) are hereby incorporated by reference and adopted as the Town of Los Gatos procedures for the evaluation of projects and the preparation of environmental impact reports.

FURTHER RESOLVED, that the procedures shown on the attached chart entitled "Town's CEQA Process" are established as the procedures for the Town of Los Gatos under the provisions of the California Environmental Quality Act.

FURTHER RESOLVED, this resolution is effective December 1, 1983.

FURTHER RESOLVED, this resolution repeals the procedures established by the previous resolutions 1973-38, 1973-70, 1973-164, 1975-90, 1976-161.

PASSED AND ADOPTED at a continued regular meeting of the Town Council of the Town of Los Gatos held on the 24th day of October, 1983, by the following vote:

AYES: COUNCIL MEMBERS Joanne Benjamin, Eric D. Carlson, Terrence J. Daily and Thomas J. Ferrito

NOES: COUNCIL MEMBERS None

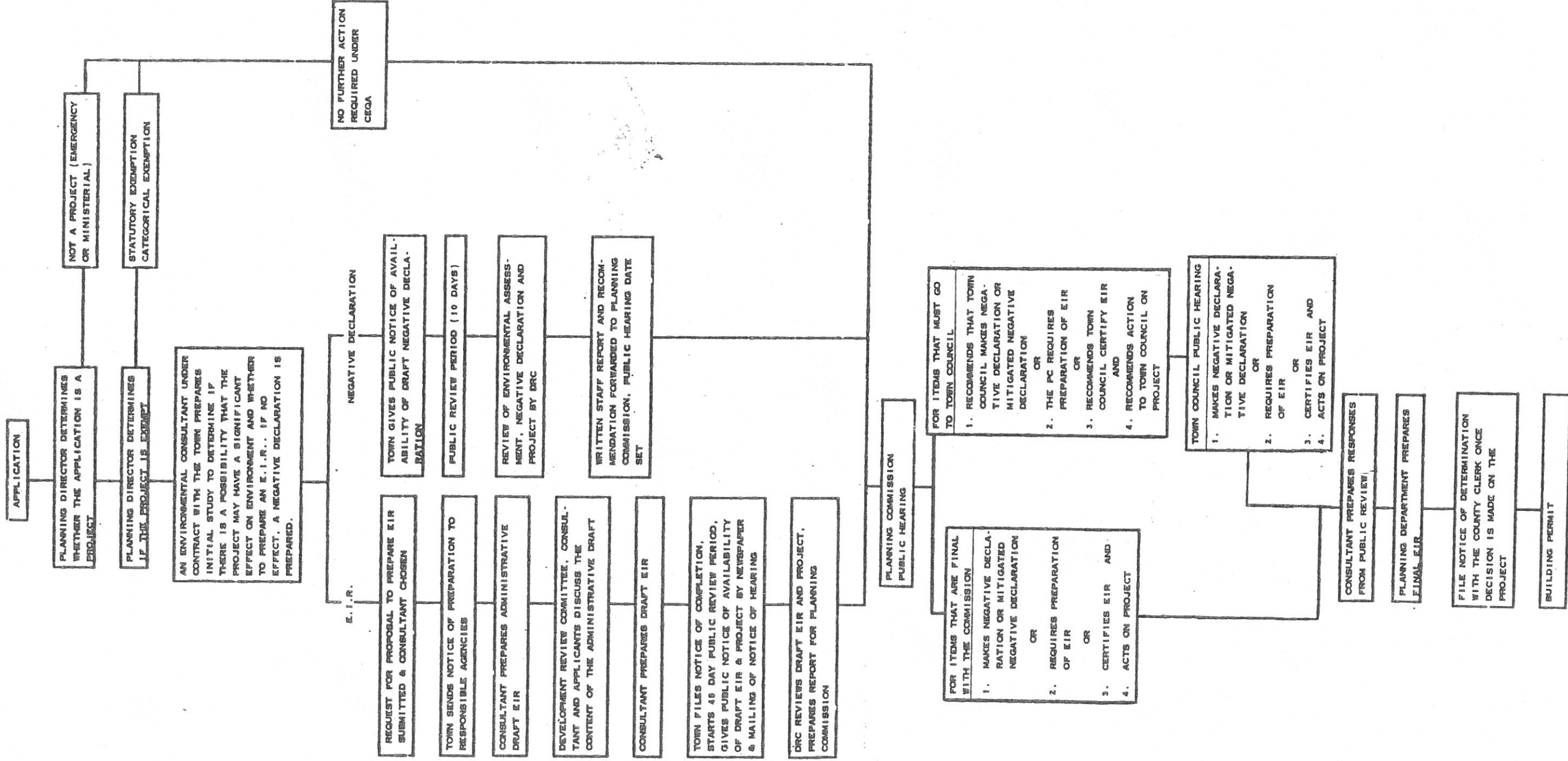
ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Mayor Brent N. Ventura

SIGNED: /s/ Thomas J. Ferrito
VICE-MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

/s/ Rose E. Aldag (seal)
CLERK OF THE TOWN OF LOS GATOS



NOTE . 1. AT ANY POINT IN THE PROCESS THE DECIDING BODY MAY DETERMINE THAT THE NEGATIVE DECLARATION IS NOT APPROPRIATE AND REQUIRE AN ENVIRONMENTAL IMPACT REPORT
2. CATEGORICAL EXEMPTION SECTION NOTED ON STAFF REPORT

RESOLUTION 2009-103

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING PUBLIC ART SELECTION POLICIES AND PROCEDURES
AND RESCINDING RESOLUTION 1992-78**

WHEREAS, the Town of Los Gatos has a Public Art Selection Program allowing it to commission art work and to accept art work on loan and as gifts; and

WHEREAS, the Town Council of the Town of Los Gatos wishes to revise its policies and procedures which govern the Public Art Selection Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Los Gatos Public Art Selection Policy and Procedure (Exhibit A) is hereby adopted; and
2. Resolution 1992-78 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

COUNCIL MEMBERS:

AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN OF LOS GATOS
PUBLIC ART SELECTION POLICY AND PROCEDURE**

I. PURPOSE

The purpose of this policy is to provide a process through which the Town of Los Gatos (hereinafter Town) can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission (hereinafter Commission) for purchasing existing art work and for commissioning artists to create new art work for the Town.

II. SCOPE

This policy applies to the installation of all art work loaned, gifted, purchased, or commissioned by the Town for public display. A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project.

The Town Manager is hereby authorized to accept loans and/or gifts to the Town of art work that is valued at or below five thousand dollars (\$5,000), and that, if a loan, will be loaned to the Town for a period of five (5) years or less.

- A. All purchases and commissions by the Town of art work must be considered through the procedures outlined below in Section IV, Procedure.
- B. All loans and/or gifts to the Town of art work that is valued at more than five thousand dollars (\$5,000) and/or that, if a loan, will be loaned to the Town for a period of more than five (5) years, must be considered through the procedures outlined below in Section IV, Procedure.

III. Policy

The Town plans for public installation of art work. It is the objective of the Public Art Program to provide the community with the opportunity to enjoy access to a variety of art work and to work with a variety of artists over time. Local Los Gatos artists shall receive preferred consideration under the Public Art Program. Artists and art work from other geographic regions shall also be considered for inclusion.

IV. Procedure

- A. Art work which is to be considered for public installation shall be first reviewed by the Public Art Subcommittee (hereinafter Subcommittee), a subcommittee of the Commission. The Subcommittee shall meet only on an as-needed basis in order to consider art work under the scope of this Public Art Policy. The Subcommittee shall develop a written recommendation to the Commission. The recommendation shall include one or more proposed locations for placement of the proposed art work.
 - 1. Should the Subcommittee find that the proposed installation might have an impact on a Town park, the Subcommittee shall solicit a written recommendation from the Town of Los Gatos Parks Commission, which shall be included in the Subcommittee's recommendation to the Commission.

- B. The Commission shall consider the written recommendation of the Subcommittee at a public meeting. If the Commission finds that the proposed installation would have an impact on an identifiable section of the Los Gatos community, the Commission may also hold a community meeting. The Commission shall develop a written recommendation to the Town Council.
- C. The Town Council shall consider the written recommendation of the Commission at a public meeting. The Town Council shall make the final decision regarding a proposed public installation of art work, including its location.
- D. This procedure shall also be followed for consideration of renewal or non-renewal of loaned art work, and of the proposed deaccession of art work.

V. **Criteria and Conditions for Selection**

- A. The Town shall make no promises to exhibit art work permanently or to maintain art work as the property of the Town in perpetuity.
- B. The Town shall maintain a responsible collection, maintenance, and deaccession policy and procedure for art works which are accepted as part of the Town's Public Art Program.
- C. No acquisition shall be accepted without written permission and approval from the Town Council.
- D. Acceptance shall result in a contract between the donor or artist and the Town. (A contract for art work which is loaned will include a clearly defined period of time, with the lender retaining title to the art work.)
- E. The following shall be criteria for determining whether an art work is acceptable:
 - 1. **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
 - 2. **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
 - 3. **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
 - 4. **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
 - 5. **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
 - 6. **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
 - 7. **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
 - 8. **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.) **Public Comment:** The input of the community shall be solicited by the Subcommittee, Commission, and Town Council.

VI. CRITERIA FOR CONSIDERATION FOR ART WORK PLACEMENT

Prior to placement of an art work, the following factors shall be considered:

- A. Visibility
- B. Lighting
- C. Public Safety
- D. Traffic Patterns: interior, exterior, foot, and auto
- E. Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
- F. Future development plans for the area
- G. Impact on the community or neighborhood in the proposed vicinity